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March 8, 2001 LB 114

determine the intent of the statutes.

SENATOR CHAMBERS: Now, is a statute considered unconstitutionally vague if a person of ordinary intelligence cannot determine for sure what conduct is allowed and what conduct is criminalized?

SENATOR QUANDAHL: That would be, I guess, an issue or a matter for a court to decide.

SENATOR CHAMBERS: Can reasonable people differ as to the meaning of the word "proximate"?

SENATOR QUANDAHL: Happens, yes. Yes.

SENATOR CHAMBERS: Could two judges disagree as to the meaning of that word?

SENATOR QUANDAHL: I would assume so, since they're people.

SENATOR CHAMBERS: Isn't that the very statement of what constitutes vagueness or ambiguity?

SENATOR QUANDAHL: Well, not...not necessarily, because I guess I may disagree with you on that point and there would be a reasonable disagreement right there. So, again, I guess it's one of those things that's left up to a judge, judicial discretion, as to the meaning of a statute, and that's...that's what their job is.

SENATOR CHAMBERS: Do you think the way this bill is drafted...and, again, it's getting ahead of what this...the procedure I was going to go through. I think it ought to go step by step. Do you think that the way this bill is drafted every young person who would come under the reach of this bill would know what he or she is allowed to do and what he or she is not allowed to do without running afoul of the law?

SENATOR QUANDAHL: It's...I believe it's fairly clear in that matter, yes.